IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

W.P.Nos.26056 of 1998, 18444 & 18449 of 2004 and 9994 of 2005

WRIT PETITION No. 26056 of 1998

Between:

1 C.P.Ashok Kumar, S/o. Papaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
2 G.Bhasker Rao, S/o. Arjanna.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
3 K.Chandraiah, S/o. Muthaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
4 K.T.Kannan, S/o. Thangavelu.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
5 Ch.Sahadev kumar, S/o. Pentaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
6 K.Laxmama, W/o. Yellaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
7 T.Eshwaraiah, S/o. Kumaraiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
8 S.R.Shivakumar, S/o. Rajalingam.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
9 G.Advaiah, S/o. Gangaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.
10 P.Babu Rao, S/o. Balram.
C/o. Q.No. A2/4, DAE Colony,

ECIL, Moulali, Hyderabad.

11 V.S.Raju, S/o. David.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.

12 S.Swamy, S/o. Mullaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.

13 M.Yadagiri, S/o. Rajaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.

14 R.Narasimhulu, S/o. Ramaiah.
C/o. Q.No. A2/4, DAE Colony,
ECIL, Moulali, Hyderabad.

..... PETITIONER(S)

AND

1 The Managing Director.,
Electronics Corporation of India Limited, Moulali,
Hyderabad.

2 The Director Personnel,
Electronics Corporation of India Limited., Moulali,
Hyderabad.

3 The General Manager,
Electronics Corporation of India Limited, Moulali,
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not absorbing the Petitioners under the respondents corporation as illegal, arbitrary and violation of Article 14, 16 and 19(1) (g) of Constitution of India, and consequently direct the Respondents to appoint the petitioners to the post of Helper/Packer or any other suitable posts, and pass such further other order or orders as this Hon'ble Court deem fit and proper in the circumstances of the case.

COMMON ORDER:

Heard both sides.

The management-respondent had disputed the relationship of master and servant and there are disputed questions of fact as to whether the nature of the employment held by the petitioners is contract labour or casual labour, which have to be gone into and decided only after adduction of both oral and documentary evidence by a fact finding authority.

In view of the above, the Writ Petitions are closed directing the petitioners to approach the appropriate forum by filing a claim petition. On such application/s being filed, the Labour Court/Industrial Tribunal shall entertain the same and decide the matter in accordance with law. However, this order will not preclude the management in engaging the petitioners as and when required as per the same terms and conditions as available as on today.

17-8-2005

prk